

# Union Calendar No. 246

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3231

[Report No. 107-413]

To replace the Immigration and Naturalization Service with the Agency for Immigration Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2001

Mr. SENSENBRENNER (for himself and Mr. GEKAS) introduced the following bill; which was referred to the Committee on the Judiciary

APRIL 19, 2002

Additional sponsors: Mr. GOODLATTE, Mr. SMITH of Texas, Mr. GREEN of Wisconsin, Mr. GALLEGLY, Mr. JENKINS, Mr. HOSTETTLER, Mr. LEWIS of California, Mrs. ROUKEMA, Mr. ROGERS of Kentucky, Mr. DEAL of Georgia, Mr. REYES, Mr. ISSA, Mr. FOLEY, Mr. BACHUS, Mr. FRELINGHUYSEN, Mr. LINDER, Mr. BONILLA, Mr. CALLAHAN, Mr. LEWIS of Kentucky, Mr. SUNUNU, Mr. PENCE, Mr. CALVERT, Mr. GILLMOR, Mr. WICKER, Mr. PETERSON of Minnesota, Mr. SHIMKUS, Mr. SKEEN, Mr. FLAKE, Mr. WILSON of South Carolina, Mr. YOUNG of Alaska, Mr. BARR of Georgia, Mr. MCINTYRE, Mr. CASTLE, Mr. COMBEST, Mr. GIBBONS, Mr. KENNEDY of Minnesota, Ms. PRYCE of Ohio, Mr. KELLER, Mr. SAM JOHNSON of Texas, Mr. GREEN of Texas, Mr. WELLER, Mr. UDALL of Colorado, Mr. COOKSEY, Mr. RYAN of Wisconsin, and Mr. FRANK

APRIL 19, 2002

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 6, 2001]

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## A BILL

To replace the Immigration and Naturalization Service with the Agency for Immigration Affairs, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“Barbara Jordan Immigration Reform and Accountability*  
 6 *Act of 2002”.*

7       (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
 8 *Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Abolishment of Immigration and Naturalization Service; establishment of Office of Associate Attorney General for Immigration Affairs.*

*Sec. 3. Positions within Office of Associate Attorney General for Immigration Affairs.*

*Sec. 4. Establishment of Bureau of Citizenship and Immigration Services.*

*Sec. 5. Office of the Ombudsman.*

*Sec. 6. Establishment of Bureau of Immigration Enforcement.*

*Sec. 7. Office of Immigration Statistics within Bureau of Justice Statistics.*

*Sec. 8. Exercise of authorities.*

*Sec. 9. Savings provisions.*

*Sec. 10. Transfer and allocation of appropriations and personnel.*

*Sec. 11. Authorization of appropriations; prohibition on transfer of fees; leasing or acquisition of property; sense of Congress.*

*Sec. 12. Reports and implementation plans.*

*Sec. 13. Application of Internet-based technologies.*

*Sec. 14. Definitions.*

*Sec. 15. Effective date; transition.*

*Sec. 16. Conforming amendment.*

1 **SEC. 2. ABOLISHMENT OF IMMIGRATION AND NATURALIZA-**  
2 **TION SERVICE; ESTABLISHMENT OF OFFICE**  
3 **OF ASSOCIATE ATTORNEY GENERAL FOR IM-**  
4 **MIGRATION AFFAIRS.**

5 (a) *ABOLISHMENT OF INS.*—*The Immigration and*  
6 *Naturalization Service of the Department of Justice is abol-*  
7 *ished.*

8 (b) *ESTABLISHMENT OF OFFICE OF ASSOCIATE AT-*  
9 *TORNEY GENERAL FOR IMMIGRATION AFFAIRS.*—

10 (1) *IN GENERAL.*—*There is established in the De-*  
11 *partment of Justice an office to be known as the “Of-*  
12 *fice of the Associate Attorney General for Immigra-*  
13 *tion Affairs”.*

14 (2) *ASSOCIATE ATTORNEY GENERAL.*—*The head*  
15 *of the Office shall be the Associate Attorney General*  
16 *for Immigration Affairs. The Associate Attorney Gen-*  
17 *eral for Immigration Affairs—*

18 (A) *shall be appointed by the President, by*  
19 *and with the consent of the Senate; and*

20 (B) *shall have a minimum of 5 years of ex-*  
21 *perience in managing a large and complex orga-*  
22 *nization.*

23 (3) *COMPENSATION AT LEVEL III OF EXECUTIVE*  
24 *SCHEDULE.*—*Section 5314 of title 5, United States*  
25 *Code, is amended by adding at the end the following:*

1           “Associate Attorney General for Immigration Af-  
2       *fairs.*”

3       (c) *FUNCTIONS.*—*The Associate Attorney General for*  
4 *Immigration Affairs shall be responsible for—*

5           (1) *overseeing the work of, and supervising, the*  
6 *Director of the Bureau of Citizenship and Immigra-*  
7 *tion Services and the Director of the Bureau of Immi-*  
8 *gration Enforcement;*

9           (2) *coordinating the administration of national*  
10 *immigration policy, including coordinating the oper-*  
11 *ations of the Bureau of Citizenship and Immigration*  
12 *Services and the Bureau of Immigration Enforce-*  
13 *ment, and reconciling conflicting policies of such bu-*  
14 *reaus; and*

15           (3) *allocating and coordinating resources in-*  
16 *volved in supporting shared support functions for the*  
17 *Bureau of Citizenship and Immigration Services and*  
18 *the Bureau of Immigration Enforcement, through the*  
19 *Office of Shared Services established by section 3.*

20 **SEC. 3. POSITIONS WITHIN OFFICE OF ASSOCIATE ATTOR-**  
21 **NEY GENERAL FOR IMMIGRATION AFFAIRS.**

22       (a) *POLICY ADVISOR.*—

23           (1) *IN GENERAL.*—*There shall be a position of*  
24 *Policy Advisor for the Associate Attorney General for*  
25 *Immigration Affairs.*

1           (2) *FUNCTIONS.*—*The Policy Advisor shall be re-*  
2           *sponsible for—*

3                     (A) *providing advice to the Associate Attor-*  
4                     *ney General for Immigration Affairs on all mat-*  
5                     *ters relating to immigration and naturalization*  
6                     *policy; and*

7                     (B) *coordinating and reconciling the resolu-*  
8                     *tion of policy issues by the Bureau of Citizenship*  
9                     *and Immigration Services and the Bureau of*  
10                    *Immigration Enforcement.*

11       (b) *GENERAL COUNSEL.*—

12                    (1) *IN GENERAL.*—*There shall be a position of*  
13                    *General Counsel to the Associate Attorney General for*  
14                    *Immigration Affairs.*

15                    (2) *FUNCTIONS.*—*The General Counsel shall*  
16                    *serve as the principal legal advisor to the Associate*  
17                    *Attorney General for Immigration Affairs. The Gen-*  
18                    *eral Counsel shall be responsible for—*

19                             (A) *providing specialized legal advice, opin-*  
20                             *ions, determinations, regulations, and any other*  
21                             *assistance to the Associate Attorney General for*  
22                             *Immigration Affairs with respect to legal mat-*  
23                             *ters affecting the Office of the Associate Attorney*  
24                             *General for Immigration Affairs, the Bureau of*

1           *Citizenship and Immigration Services, or the*  
2           *Bureau of Immigration Enforcement;*

3           *(B) representing the Bureau of Citizenship*  
4           *and Immigration Services in visa petition ap-*  
5           *peal proceedings before the Executive Office for*  
6           *Immigration Review and in other legal or ad-*  
7           *ministrative proceedings involving immigration*  
8           *services issues; and*

9           *(C) representing the Bureau of Immigration*  
10          *Enforcement in all exclusion, deportation, or re-*  
11          *moval proceedings before the Executive Office for*  
12          *Immigration Review, including in proceedings to*  
13          *adjudicate relief from exclusion, deportation, or*  
14          *removal, and in other legal or administrative*  
15          *proceedings involving immigration enforcement*  
16          *issues.*

17          *(3) LIMITATION.—Paragraph (2) shall not apply*  
18          *to the functions transferred under subsection (h) to*  
19          *the extent that the Associate Attorney General for Im-*  
20          *migration Affairs does not delegate such functions to*  
21          *the General Counsel.*

22          *(c) CHIEF FINANCIAL OFFICER.—*

23                 *(1) IN GENERAL.—There shall be a position of*  
24                 *Chief Financial Officer for the Associate Attorney*  
25                 *General for Immigration Affairs.*

1           (2) *FUNCTIONS.*—*The Chief Financial Officer*  
2           *shall be responsible for—*

3                   (A) *financial management of the Office of*  
4                   *the Associate Attorney General for Immigration*  
5                   *Affairs, the Bureau of Citizenship and Immigra-*  
6                   *tion Services, and the Bureau of Immigration*  
7                   *Enforcement and shall have the authorities and*  
8                   *functions described in section 902 of title 31,*  
9                   *United States Code, in relation to financial ac-*  
10                   *tivities of such office and bureaus;*

11                   (B) *collecting all payments, fines, and other*  
12                   *debts for the Bureau of Citizenship and Immi-*  
13                   *gration Services and the Bureau of Immigration*  
14                   *Enforcement; and*

15                   (C) *coordinating all budget and other finan-*  
16                   *cial management issues with the Bureau of Citi-*  
17                   *zenship and Immigration Services and the Bu-*  
18                   *reau of Immigration Enforcement.*

19           (d) *DIRECTOR OF SHARED SERVICES.*—

20                   (1) *IN GENERAL.*—*There shall be a position of*  
21                   *Director of the Office of Shared Services for the Asso-*  
22                   *ciate Attorney General for Immigration Affairs.*

23                   (2) *FUNCTIONS.*—*The Director of the Office of*  
24                   *Shared Services shall be responsible for the appro-*  
25                   *priate allocation and coordination of resources in-*

1        *involved in supporting shared support functions for the*  
2        *Bureau of Citizenship and Immigration Services and*  
3        *the Bureau of Immigration Enforcement, including—*

4                *(A) facilities management;*

5                *(B) information resources management, in-*  
6        *cluding computer databases and information*  
7        *technology;*

8                *(C) records and file management; and*

9                *(D) forms management.*

10        *(e) OFFICE OF THE OMBUDSMAN.—*

11                *(1) ESTABLISHMENT.—*

12                *(A) IN GENERAL.—There is established in*  
13        *the Office of the Associate Attorney General for*  
14        *Immigration Affairs an office to be known as the*  
15        *“Office of the Ombudsman”.*

16                *(B) OMBUDSMAN.—*

17                *(i) IN GENERAL.—The Office of the*  
18        *Ombudsman shall be under the supervision*  
19        *and direction of an official to be known as*  
20        *the “Ombudsman”. The Ombudsman shall*  
21        *report directly to the Associate Attorney*  
22        *General for Immigration Affairs.*

23                *(ii) QUALIFICATIONS.—The Ombuds-*  
24        *man shall have a background in customer*  
25        *service as well as immigration law.*

1           (2) *FUNCTIONS OF OFFICE.*—*The Ombudsman*  
2           *shall perform the functions described in section 5.*

3           (f) *OFFICE OF PROFESSIONAL RESPONSIBILITY AND*  
4           *QUALITY REVIEW.*—

5           (1) *IN GENERAL.*—*There is established in the Of-*  
6           *fice of the Associate Attorney General for Immigra-*  
7           *tion Affairs an office to be known as the “Office of*  
8           *Professional Responsibility and Quality Review”. The*  
9           *head of the Office of Professional Responsibility and*  
10          *Quality Review shall be the Director of the Office of*  
11          *Professional Responsibility and Quality Review. The*  
12          *Director of the Office of Professional Responsibility*  
13          *and Quality Review shall be responsible for—*

14                (A) *conducting investigations of non-*  
15                *criminal allegations of misconduct, corruption,*  
16                *and fraud involving any employee of the Office*  
17                *of the Associate Attorney General for Immigra-*  
18                *tion Affairs, the Bureau of Citizenship and Im-*  
19                *migration Services, or the Bureau of Immigra-*  
20                *tion Enforcement that are not subject to inves-*  
21                *tigation by the Department of Justice Office of*  
22                *the Inspector General;*

23                (B) *inspecting the operations of the Office of*  
24                *the Associate Attorney General for Immigration*  
25                *Affairs, the Bureau of Citizenship and Immigra-*

1            *tion Services, and the Bureau of Immigration*  
2            *Enforcement and providing assessments of the*  
3            *quality of the operations of such office and bu-*  
4            *reaus as a whole and each of their components;*  
5            *and*

6            *(C) providing an analysis of the manage-*  
7            *ment of the Office of the Associate Attorney Gen-*  
8            *eral for Immigration Affairs, the Bureau of Citi-*  
9            *zenship and Immigration Services, and the Bu-*  
10           *reau of Immigration Enforcement.*

11           *(2) SPECIAL CONSIDERATIONS.—In providing*  
12           *assessments in accordance with paragraph (1)(B)*  
13           *with respect to a decision of the Office of the Associate*  
14           *Attorney General for Immigration Affairs, the Bureau*  
15           *of Citizenship and Immigration Services, or the Bu-*  
16           *reau of Immigration Enforcement, or any of their*  
17           *components, consideration shall be given to—*

18           *(A) the accuracy of the findings of fact and*  
19           *conclusions of law used in rendering the deci-*  
20           *sion;*

21           *(B) any fraud or misrepresentation associ-*  
22           *ated with the decision; and*

23           *(C) the efficiency with which the decision*  
24           *was rendered.*

25           *(g) OFFICE OF CHILDREN’S AFFAIRS.—*

1           (1) *IN GENERAL.*—*There is established within*  
2 *the Office of the Associate Attorney General for Immigra-*  
3 *tion Affairs an office to be known as the “Office*  
4 *of Children’s Affairs”.* *The head of the Office of Chil-*  
5 *dren’s Affairs shall be the Director of the Office of*  
6 *Children’s Affairs.*

7           (2) *FUNCTIONS.*—

8           (A) *IN GENERAL.*—*The Director of the Of-*  
9 *fice of Children’s Affairs shall be responsible*  
10 *for—*

11                   (i) *coordinating and implementing law*  
12 *and policy for unaccompanied alien chil-*  
13 *dren who come into the custody of the De-*  
14 *partment of Justice;*

15                   (ii) *ensuring that the interests of the*  
16 *child are considered in decisions and ac-*  
17 *tions relating to the care and custody of an*  
18 *unaccompanied alien child;*

19                   (iii) *making placement determinations*  
20 *for all unaccompanied alien children appre-*  
21 *hended by the Attorney General or who oth-*  
22 *erwise come into the custody of the Depart-*  
23 *ment of Justice;*

24                   (iv) *implementing the placement deter-*  
25 *minations made by the Office;*

1           (v) *implementing policies with respect*  
2 *to the care and placement of unaccom-*  
3 *panied alien children;*

4           (vi) *identifying a sufficient number of*  
5 *qualified individuals, entities, and facilities*  
6 *to house unaccompanied alien children;*

7           (vii) *overseeing the infrastructure and*  
8 *personnel of facilities in which unaccom-*  
9 *panied alien children reside;*

10          (viii) *reuniting unaccompanied alien*  
11 *children with a parent abroad in appro-*  
12 *priate cases;*

13          (ix) *compiling, updating, and pub-*  
14 *lishing at least annually a state-by-state list*  
15 *of professionals or other entities qualified to*  
16 *provide guardian and attorney representa-*  
17 *tion services for unaccompanied alien chil-*  
18 *dren;*

19          (x) *maintaining statistical informa-*  
20 *tion and other data on unaccompanied*  
21 *alien children in the Office's custody and*  
22 *care, which shall include—*

23                (I) *biographical information, such*  
24 *as a child's name, gender, date of*

1                   *birth, country of birth, and country of*  
2                   *habitual residence;*

3                   (II) *the date on which the child*  
4                   *came into the custody of the Depart-*  
5                   *ment of Justice;*

6                   (III) *information relating to the*  
7                   *child's placement, removal, or release*  
8                   *from each facility in which the child*  
9                   *has resided;*

10                  (IV) *in any case in which the*  
11                  *child is placed in detention or released,*  
12                  *an explanation relating to the deten-*  
13                  *tion or release; and*

14                  (V) *the disposition of any actions*  
15                  *in which the child is the subject;*

16                  (xi) *collecting and compiling statistical*  
17                  *information from the Office of the Associate*  
18                  *Attorney General, Bureau of Citizenship*  
19                  *and Immigration Services, and Bureau of*  
20                  *Enforcement (including Border Patrol and*  
21                  *inspections officers), on the unaccompanied*  
22                  *alien children with whom they come into*  
23                  *contact; and*

1                   *(xii) conducting investigations and in-*  
2                   *spections of facilities and other entities in*  
3                   *which unaccompanied alien children reside.*

4                   *(B) COORDINATION WITH OTHER ENTITIES;*  
5                   *NO RELEASE ON OWN RECOGNIZANCE.—In mak-*  
6                   *ing determinations described in subparagraph*  
7                   *(A)(iii), the Director of the Office of Children’s*  
8                   *Affairs—*

9                   *(i) shall consult with appropriate juve-*  
10                  *nile justice professionals, the Director of the*  
11                  *Bureau of Citizenship and Immigration*  
12                  *Services, and the Director of the Bureau of*  
13                  *Immigration Enforcement to ensure that*  
14                  *such determinations ensure that unaccom-*  
15                  *panied alien children described in such*  
16                  *subparagraph—*

17                  *(I) are likely to appear for all*  
18                  *hearings or proceedings in which they*  
19                  *are involved;*

20                  *(II) are protected from smugglers,*  
21                  *traffickers, or others who might seek to*  
22                  *victimize or otherwise engage them in*  
23                  *criminal, harmful, or exploitive activ-*  
24                  *ity; and*

1                   (III) are placed in a setting in  
2                   which they not likely to pose a danger  
3                   to themselves or others; and

4                   (ii) shall not release such children  
5                   upon their own recognizance.

6                   (C) *TRANSFER OF FUNCTIONS.*—There are  
7                   transferred to the Director of the Office of Chil-  
8                   dren’s Affairs functions with respect to the care  
9                   of unaccompanied alien children under the im-  
10                  migration laws of the United States vested by  
11                  statute in, or performed by, the Commissioner of  
12                  the Immigration and Naturalization Service (or  
13                  any officer, employee, or component thereof), im-  
14                  mediately before the effective date specified in  
15                  section 15(a).

16                  (D) *DUTIES WITH RESPECT TO FOSTER*  
17                  *CARE.*—In carrying out the duties described in  
18                  subparagraph (A)(vii), the Director of the Office  
19                  of Children’s Affairs shall assess the extent to  
20                  which it is cost-effective to use the refugee chil-  
21                  dren foster care system for the placement of un-  
22                  accompanied alien children.

23                  (3) *RULE OF CONSTRUCTION.*—Nothing in this  
24                  subsection may be construed to transfer the responsi-  
25                  bility for adjudicating benefit determinations under

1 *the Immigration and Nationality Act (8 U.S.C. 1101*  
2 *et seq.) from the authority of any official of the Office*  
3 *of the Associate Attorney General for Immigration Af-*  
4 *airs, the Bureau of Citizenship and Immigration*  
5 *Services, the Bureau of Immigration Enforcement, the*  
6 *Executive Office of Immigration Review, or the De-*  
7 *partment of State.*

8 (4) *DEFINITION.—As used in this subsection—*

9 (A) *the term “placement” means the place-*  
10 *ment of an unaccompanied alien child in either*  
11 *a detention facility or an alternative to such a*  
12 *facility; and*

13 (B) *the term “unaccompanied alien child”*  
14 *means a child who—*

15 (i) *has no lawful immigration status*  
16 *in the United States;*

17 (ii) *has not attained 18 years of age;*  
18 *and*

19 (iii) *with respect to whom—*

20 (I) *there is no parent or legal*  
21 *guardian in the United States; or*

22 (II) *no parent or legal guardian*  
23 *in the United States is available to*  
24 *provide care and physical custody.*

1           (h) *TRANSFER OF FUNCTIONS OF OFFICE OF IMMIGRA-*  
2 *TION LITIGATION.*—*There are transferred from the Assist-*  
3 *ant Attorney General, Civil Division, to the Associate Attor-*  
4 *ney General for Immigration Affairs all functions per-*  
5 *formed by the Office of Immigration Litigation, and all*  
6 *personnel, infrastructure, and funding provided to the As-*  
7 *sistant Attorney General, Civil Division, in support of such*  
8 *functions, immediately before the effective date specified in*  
9 *section 15(a). The Associate Attorney General for Immigra-*  
10 *tion Affairs may, in the Associate Attorney General’s dis-*  
11 *cretion, charge the General Counsel to the Associate Attor-*  
12 *ney General for Immigration Affairs with such functions.*

13           (i) *EMPLOYEE DISCIPLINE FOR WILLFUL DECEIT.*—  
14 *The Associate Attorney General for Immigration Affairs*  
15 *may, notwithstanding any other provision of law, impose*  
16 *disciplinary action, including termination of employment,*  
17 *pursuant to policies and procedures applicable to employees*  
18 *of the Federal Bureau of Investigation, on any employee*  
19 *of the Office of the Associate Attorney General for Immigra-*  
20 *tion Affairs, the Bureau of Citizenship and Immigration*  
21 *Services, or the Bureau of Immigration Enforcement who*  
22 *willfully deceives the Congress or agency leadership on any*  
23 *matter.*

24           (j) *REFERENCES.*—*With respect to any function trans-*  
25 *ferred by this section or Act to, and exercised on or after*



1           (B) shall have a minimum of 10 years pro-  
2           fessional experience in the rendering of adjudica-  
3           tions on the provision of government benefits or  
4           services, at least 5 of which shall have been years  
5           of service in a managerial capacity or in a posi-  
6           tion affording comparable management experi-  
7           ence.

8           (3) *FUNCTIONS.*—*The Director of the Bureau of*  
9           *Citizenship and Immigration Services—*

10           (A) shall establish the policies for per-  
11           forming such functions as are transferred to the  
12           Director by this section or this Act or otherwise  
13           vested in the Director by law;

14           (B) shall oversee the administration of such  
15           policies;

16           (C) shall advise the Associate Attorney Gen-  
17           eral for Immigration Affairs with respect to any  
18           policy or operation of the Bureau of Citizenship  
19           and Immigration Services that may affect the  
20           Bureau of Immigration Enforcement, including  
21           potentially conflicting policies or operations;

22           (D) shall meet regularly with the Ombuds-  
23           man to correct serious service problems identified  
24           by the Ombudsman; and

1           (E) shall establish procedures requiring a  
2           formal response to any recommendations sub-  
3           mitted in the Ombudsman's annual report to the  
4           Congress within 3 months after its submission to  
5           the Congress.

6           (4) *STUDENT VISA PROGRAMS.*—The Director of  
7           the Bureau of Citizenship and Immigration Services  
8           shall designate an official to be responsible for admin-  
9           istering student visa programs and the Student and  
10          Exchange Visitor Information System established  
11          under section 641 of the Illegal Immigration Reform  
12          and Immigrant Responsibility Act of 1996 (8 U.S.C.  
13          1372), and successor programs and systems, until  
14          September 30, 2004. The Director may continue such  
15          policy after September 30, 2004, at the Director's dis-  
16          cretion. The Director shall provide any information  
17          collected by the Student and Exchange Visitor Infor-  
18          mation System to the Director of the Bureau of Im-  
19          migration Enforcement that is necessary for the per-  
20          formance of the functions of the Bureau of Immigra-  
21          tion Enforcement.

22          (b) *TRANSFER OF FUNCTIONS FROM COMMIS-*  
23          *SIONER.*—There are transferred from the Commissioner of  
24          the Immigration and Naturalization Service to the Director  
25          of the Bureau of Citizenship and Immigration Services the

1 *following functions, and all personnel, infrastructure, and*  
2 *funding provided to the Commissioner in support of such*  
3 *functions immediately before the effective date specified in*  
4 *section 15(a):*

5           (1) *Adjudications of nonimmigrant and immi-*  
6 *grant visa petitions.*

7           (2) *Adjudications of naturalization petitions.*

8           (3) *Adjudications of asylum and refugee applica-*  
9 *tions.*

10          (4) *Adjudications performed at service centers.*

11          (5) *All other adjudications performed by the Im-*  
12 *migration and Naturalization Service immediately*  
13 *before the effective date specified in section 15(a).*

14          (c) *OFFICE OF POLICY AND STRATEGY.*—*There is es-*  
15 *tablished in the Bureau of Citizenship and Immigration*  
16 *Services an office to be known as the “Office of Policy and*  
17 *Strategy”. The head of the Office of Policy and Strategy*  
18 *shall be the Chief of the Office of Policy and Strategy. In*  
19 *consultation with Bureau of Citizenship and Immigration*  
20 *Services personnel in field offices, the Chief of the Office*  
21 *of Policy and Strategy shall be responsible for—*

22           (1) *establishing national immigration services*  
23 *policies and priorities;*

24           (2) *performing policy research and analysis on*  
25 *immigration services issues; and*

1           (3) *coordinating immigration policy issues with*  
2           *the Chief of the Office of Policy and Strategy for the*  
3           *Bureau of Immigration Enforcement and the Asso-*  
4           *ciate Attorney General for Immigration Affairs*  
5           *through the Policy Advisor for the Associate Attorney*  
6           *General for Immigration Affairs, as appropriate.*

7           (d) *LEGAL ADVISOR.—There may be a position of*  
8           *Legal Advisor for the Bureau of Citizenship and Immigra-*  
9           *tion Services.*

10          (e) *CHIEF BUDGET OFFICER FOR BUREAU OF CITI-*  
11          *ZENSHIP AND IMMIGRATION SERVICES.—There shall be a*  
12          *position of Chief Budget Officer for the Bureau of Citizen-*  
13          *ship and Immigration Services. The Chief Budget Officer*  
14          *shall be responsible for formulating and executing the budg-*  
15          *et of the Bureau of Citizenship and Immigration Services.*  
16          *The Chief Budget Officer shall report to the Director of the*  
17          *Bureau of Citizenship and Immigration Services and shall*  
18          *provide information to, and coordinate resolution of rel-*  
19          *evant issues with, the Chief Financial Officer for the Asso-*  
20          *ciate Attorney General for Immigration Affairs.*

21          (f) *OFFICE OF CONGRESSIONAL, INTERGOVERN-*  
22          *MENTAL, AND PUBLIC AFFAIRS.—There is established in the*  
23          *Bureau of Citizenship and Immigration Services an office*  
24          *to be known as the “Office of Congressional, Intergovern-*  
25          *mental, and Public Affairs”.* *The head of such office shall*

1 *be the Chief of the Office of Congressional, Intergovern-*  
2 *mental, and Public Affairs. The Chief shall be responsible*  
3 *for—*

4           (1) *providing information relating to immigra-*  
5 *tion services to the Congress, including information*  
6 *on specific cases relating to immigration services;*

7           (2) *servng as a liaison with other Federal agen-*  
8 *cies on immigration services issues; and*

9           (3) *responding to inquiries from the media and*  
10 *general public on immigration services issues.*

11       (g) *OFFICE OF CITIZENSHIP.—There is established in*  
12 *the Bureau of Citizenship and Immigration Services an of-*  
13 *fice to be known as the “Office of Citizenship”. The head*  
14 *of such office shall be the Chief of the Office of Citizenship.*  
15 *The Chief shall be responsible for promoting instruction and*  
16 *training on citizenship responsibilities for aliens interested*  
17 *in becoming naturalized citizens of the United States, in-*  
18 *cluding the development of educational materials.*

19       (h) *SECTORS.—Headed by sector directors, and located*  
20 *in appropriate geographic locations, sectors of the Bureau*  
21 *of Citizenship and Immigration Services shall be respon-*  
22 *sible for directing all aspects of the operations of the Bureau*  
23 *of Citizenship and Immigration Services within their as-*  
24 *signed geographic areas of activity. Sector directors shall*  
25 *provide general guidance and supervision to the field offices*

1 *of the Bureau of Citizenship and Immigration Services*  
2 *within their sectors.*

3       (i) *FIELD OFFICES.*—*Headed by field directors, who*  
4 *may be assisted by deputy field directors, field offices of the*  
5 *Bureau of Citizenship and Immigration Services shall be*  
6 *responsible for assisting the Director of the Bureau of Citi-*  
7 *zenship and Immigration Services in carrying out the Di-*  
8 *rector’s functions. Field directors shall be subject to the gen-*  
9 *eral supervision and direction of their respective sector di-*  
10 *rector, except that field directors outside of the United*  
11 *States shall be subject to the general supervision and direc-*  
12 *tion of the Director of the Bureau of Citizenship and Immi-*  
13 *gration Services. All field directors shall remain account-*  
14 *able to, and receive their authority from, the Director of*  
15 *the Bureau of Citizenship and Immigration Services, in*  
16 *order to ensure consistent application and implementation*  
17 *of policies nationwide.*

18       (j) *SERVICE CENTERS.*—*Headed by service center di-*  
19 *rectors, service centers of the Bureau of Citizenship and Im-*  
20 *migration Services shall be responsible for assisting the Di-*  
21 *rector of the Bureau of Citizenship and Immigration Serv-*  
22 *ices in carrying out the Director’s functions that can be*  
23 *effectively carried out at remote locations. Service center di-*  
24 *rectors are subject to the general supervision and direction*  
25 *of their respective sector director, except that all service cen-*

1 *ter directors shall remain accountable to, and receive their*  
2 *authority from, the Director of the Bureau of Citizenship*  
3 *and Immigration Services, in order to ensure consistent ap-*  
4 *plication and implementation of policies nationwide.*

5       *(k) TRANSFER AND REMOVAL.—Notwithstanding any*  
6 *other provision of law, the Director of the Bureau of Citi-*  
7 *zenship and Immigration Services may, in the Director’s*  
8 *discretion, transfer or remove any sector director, field di-*  
9 *rector, or service center director.*

10       *(l) MISSION.—It shall be the mission of the field offices*  
11 *and service centers of the Bureau of Citizenship and Immi-*  
12 *gration Services to directly and consistently follow all in-*  
13 *structions and guidelines of the Director of the Bureau of*  
14 *Citizenship and Immigration Services and the Associate At-*  
15 *torney General for Immigration Affairs in order to ensure*  
16 *the development of a cohesive and consistent national immi-*  
17 *gration policy.*

18       *(m) REFERENCES.—With respect to any function*  
19 *transferred by this section or Act to, and exercised on or*  
20 *after the effective date specified in section 15(a) by, the Di-*  
21 *rector of the Bureau of Citizenship and Immigration Serv-*  
22 *ices, any reference in any other Federal law, Executive*  
23 *order, rule, regulation, or delegation of authority, or any*  
24 *document of or pertaining to a component of government*  
25 *from which such function is transferred—*

1           (1) to the head of such component is deemed to  
2 refer to the Director of the Bureau of Citizenship and  
3 Immigration Services; or

4           (2) to such component is deemed to refer to the  
5 Bureau of Citizenship and Immigration Services.

6 **SEC. 5. OFFICE OF THE OMBUDSMAN.**

7           (a) *FUNCTIONS.*—It shall be the function of the Office  
8 of the Ombudsman established under section 3—

9           (1) to assist individuals and employers in resolv-  
10 ing problems with the Bureau of Citizenship and Im-  
11 migration Services;

12           (2) to identify areas in which individuals and  
13 employers have problems in dealing with the Bureau  
14 of Citizenship and Immigration Services;

15           (3) to the extent possible, to propose changes in  
16 the administrative practices of the Bureau of Citizen-  
17 ship and Immigration Services to mitigate problems  
18 identified under paragraph (2); and

19           (4) to identify potential legislative changes that  
20 may be appropriate to mitigate such problems.

21           (b) *ANNUAL REPORTS.*—

22           (1) *OBJECTIVES.*—Not later than June 30 of  
23 each calendar year, the Ombudsman shall report to  
24 the Committee on the Judiciary of the United States  
25 House of Representatives and the Senate on the objec-

1 *tives of the Office of the Ombudsman for the fiscal*  
2 *year beginning in such calendar year. Any such re-*  
3 *port shall contain full and substantive analysis, in*  
4 *addition to statistical information, and—*

5 *(A) shall identify the initiatives the Office*  
6 *of the Ombudsman has taken on improving serv-*  
7 *ices and responsiveness of the Bureau of Citizen-*  
8 *ship and Immigration Services;*

9 *(B) shall contain a summary of the most*  
10 *pervasive and serious problems encountered by*  
11 *individuals and employers, including a descrip-*  
12 *tion of the nature of such problems;*

13 *(C) shall contain an inventory of the items*  
14 *described in subparagraphs (A) and (B) for*  
15 *which action has been taken and the result of*  
16 *such action;*

17 *(D) shall contain an inventory of the items*  
18 *described in subparagraphs (A) and (B) for*  
19 *which action remains to be completed and the*  
20 *period during which each item has remained on*  
21 *such inventory;*

22 *(E) shall contain an inventory of the items*  
23 *described in subparagraphs (A) and (B) for*  
24 *which no action has been taken, the period dur-*  
25 *ing which each item has remained on such in-*

1           ventory, the reasons for the inaction, and shall  
2           identify any official of the Bureau of Citizenship  
3           and Immigration Services who is responsible for  
4           such inaction;

5           (F) shall contain recommendations for such  
6           administrative and legislative action as may be  
7           appropriate to resolve problems encountered by  
8           individuals and employers, including problems  
9           created by excessive backlogs in the adjudication  
10          and processing of immigration benefit petitions  
11          and applications; and

12          (G) shall include such other information as  
13          the Ombudsman may deem advisable.

14          (2) *REPORT TO BE SUBMITTED DIRECTLY.*—

15          Each report required under this subsection shall be  
16          provided directly to the committees described in para-  
17          graph (1) without any prior review or comment from  
18          the Attorney General, Associate Attorney General for  
19          Immigration Affairs, any other officer or employee of  
20          the Department of Justice or the Office of Manage-  
21          ment and Budget.

22          (c) *OTHER RESPONSIBILITIES.*—The Ombudsman—

23          (1) shall monitor the coverage and geographic al-  
24          location of local offices of the Ombudsman;

1           (2) *shall develop guidance to be distributed to all*  
2 *officers and employees of the Bureau of Citizenship*  
3 *and Immigration Services outlining the criteria for*  
4 *referral of inquiries to local offices of the Ombuds-*  
5 *man;*

6           (3) *shall ensure that the local telephone number*  
7 *for each local office of the Ombudsman is published*  
8 *and available to individuals and employers served by*  
9 *the office; and*

10          (4) *shall meet regularly with the Director of the*  
11 *Bureau of Citizenship and Immigration Services to*  
12 *identify serious service problems and to present rec-*  
13 *ommendations for such administrative action as may*  
14 *be appropriate to resolve problems encountered by in-*  
15 *dividuals and employers.*

16          (d) *PERSONNEL ACTIONS.—*

17           (1) *IN GENERAL.—The Ombudsman shall have*  
18 *the responsibility and authority—*

19           (A) *to appoint local ombudsmen and make*  
20 *available at least 1 such ombudsman for each*  
21 *State; and*

22           (B) *to evaluate and take personnel actions*  
23 *(including dismissal) with respect to any em-*  
24 *ployee of any local office of the Ombudsman.*

1           (2) *CONSULTATION.*—*The Ombudsman may con-*  
2           *sult with the appropriate supervisory personnel of the*  
3           *Bureau of Citizenship and Immigration Services in*  
4           *carrying out the Ombudsman’s responsibilities under*  
5           *this subsection.*

6           (e) *RESPONSIBILITIES OF BUREAU OF CITIZENSHIP*  
7           *AND IMMIGRATION SERVICES.*—*The Director of the Bureau*  
8           *of Citizenship and Immigration Services shall establish*  
9           *procedures requiring a formal response to all recommenda-*  
10          *tions submitted to such director by the Ombudsman within*  
11          *3 months after submission to such director.*

12          (f) *OPERATION OF LOCAL OFFICES.*—

13                 (1) *IN GENERAL.*—*Each local ombudsman—*

14                         (A) *shall report to the Ombudsman or the*  
15                         *delegate thereof;*

16                         (B) *may consult with the appropriate su-*  
17                         *pervisory personnel of the Bureau of Citizenship*  
18                         *and Immigration Services regarding the daily*  
19                         *operation of the local office of such ombudsman;*

20                         (C) *shall, at the initial meeting with any*  
21                         *individual or employer seeking the assistance of*  
22                         *such local office, notify such individual or em-*  
23                         *ployer that the local offices of the Ombudsman*  
24                         *operate independently of any other component in*  
25                         *the Office of the Associate Attorney General for*

1           *Immigration Affairs and report directly to the*  
2           *Congress through the Ombudsman; and*

3                   *(D) at the local ombudsman's discretion,*  
4           *may determine not to disclose to the Bureau of*  
5           *Citizenship and Immigration Services contact*  
6           *with, or information provided by, such indi-*  
7           *vidual or employer.*

8           (2) *MAINTENANCE OF INDEPENDENT COMMU-*  
9           *NICATIONS.—Each local office of the Ombudsman*  
10          *shall maintain a phone, facsimile, and other means*  
11          *of electronic communication access, and a post office*  
12          *address, that is separate from those maintained by*  
13          *the Bureau of Citizenship and Immigration Services,*  
14          *or any component of the Bureau of Citizenship and*  
15          *Immigration Services.*

16 **SEC. 6. ESTABLISHMENT OF BUREAU OF IMMIGRATION EN-**  
17                   **FORCEMENT.**

18          (a) *ESTABLISHMENT OF BUREAU.—*

19                   (1) *IN GENERAL.—There is established in the De-*  
20          *partment of Justice a bureau to be known as the “Bu-*  
21          *reau of Immigration Enforcement”.*

22                   (2) *DIRECTOR.—The head of the Bureau of Im-*  
23          *migration Enforcement shall be the Director of the*  
24          *Bureau of Immigration Enforcement, who—*

1           (A) shall report directly to the Associate At-  
2           torney General for Immigration Affairs; and

3           (B) shall have a minimum of 10 years pro-  
4           fessional experience in law enforcement, at least  
5           5 of which shall have been years of service in a  
6           managerial capacity.

7           (3) *FUNCTIONS.*—The Director of the Bureau of  
8           Immigration Enforcement—

9           (A) shall establish the policies for per-  
10          forming such functions as are transferred to the  
11          Director by this section or this Act or otherwise  
12          vested in the Director by law;

13          (B) shall oversee the administration of such  
14          policies; and

15          (C) shall advise the Associate Attorney Gen-  
16          eral for Immigration Affairs with respect to any  
17          policy or operation of the Bureau of Immigra-  
18          tion Enforcement that may affect the Bureau of  
19          Citizenship and Immigration Services, including  
20          potentially conflicting policies or operations.

21          (b) *TRANSFER OF FUNCTIONS.*—There are transferred  
22          from the Commissioner of the Immigration and Naturaliza-  
23          tion Service to the Director of the Bureau of Immigration  
24          Enforcement all functions performed under the following  
25          programs, and all personnel, infrastructure, and funding

1 *provided to the Commissioner in support of such programs*  
2 *immediately before the effective date specified in section*  
3 *15(a):*

4 (1) *The Border Patrol program.*

5 (2) *The detention and removal program.*

6 (3) *The intelligence program.*

7 (4) *The investigations program.*

8 (5) *The inspections program.*

9 (c) *OFFICE OF POLICY AND STRATEGY.—There is es-*  
10 *tablished in the Bureau of Immigration Enforcement an of-*  
11 *fice to be known as the “Office of Policy and Strategy”.*  
12 *The head of the Office of Policy and Strategy shall be the*  
13 *Chief of the Office of Policy and Strategy. In consultation*  
14 *with Bureau of Immigration Enforcement personnel in field*  
15 *offices, the Chief of the Office of Policy and Strategy shall*  
16 *be responsible for—*

17 (1) *establishing national immigration enforce-*  
18 *ment policies and priorities;*

19 (2) *performing policy research and analysis on*  
20 *immigration enforcement issues; and*

21 (3) *coordinating immigration policy issues with*  
22 *the Chief of the Office of Policy and Strategy for the*  
23 *Bureau of Citizenship and Immigration Services and*  
24 *the Associate Attorney General for Immigration Af-*  
25 *airs through the Policy Advisor for the Associate At-*

1        *torney General for Immigration Affairs, as appro-*  
2        *priate.*

3        (d) *LEGAL ADVISOR.*—*There may be a position of*  
4        *Legal Advisor for the Bureau of Immigration Enforcement.*

5        (e) *CHIEF BUDGET OFFICER FOR THE BUREAU OF IM-*  
6        *MIGRATION ENFORCEMENT.*—*There shall be a position of*  
7        *Chief Budget Officer for the Bureau of Immigration En-*  
8        *forcement. The Chief Budget Officer shall be responsible for*  
9        *formulating and executing the budget of the Bureau of Im-*  
10       *migration Enforcement. The Chief Budget Officer shall re-*  
11       *port to the Director of the Bureau of Immigration Enforce-*  
12       *ment and shall provide information to, and coordinate reso-*  
13       *lution of relevant issues with, the Chief Financial Officer*  
14       *for the Associate Attorney General for Immigration Affairs.*

15       (f) *OFFICE OF CONGRESSIONAL, INTERGOVERN-*  
16       *MENTAL, AND PUBLIC AFFAIRS.*—*There is established in the*  
17       *Bureau of Immigration Enforcement an office to be known*  
18       *as the “Office of Congressional, Intergovernmental, and*  
19       *Public Affairs”. The head of such office shall be the Chief*  
20       *of the Office of Congressional, Intergovernmental, and Pub-*  
21       *lic Affairs. The Chief shall be responsible for—*

22                (1) *providing information relating to immigra-*  
23                *tion enforcement to the Congress, including informa-*  
24                *tion on specific cases relating to immigration enforce-*  
25                *ment;*

1           (2) *servicing as a liaison with other Federal agen-*  
2           *cies on immigration enforcement issues; and*

3           (3) *responding to inquiries from the media and*  
4           *the general public on immigration enforcement issues.*

5           (g) *SECTORS.—Headed by sector directors, and located*  
6           *in appropriate geographic locations, sectors of the Bureau*  
7           *of Immigration Enforcement shall be responsible for direct-*  
8           *ing all aspects of the operations of the Bureau of Immigra-*  
9           *tion Enforcement within their assigned geographic areas of*  
10           *activity. Sector directors shall provide general guidance*  
11           *and supervision to the field offices of the Bureau of Immi-*  
12           *gration Enforcement within their sectors.*

13           (h) *FIELD OFFICES.—Headed by field directors, who*  
14           *may be assisted by deputy field directors, field offices of the*  
15           *Bureau of Immigration Enforcement shall be responsible for*  
16           *assisting the Director of the Bureau of Immigration En-*  
17           *forcement in carrying out the Director's functions. Field di-*  
18           *rectors shall be subject to the general supervision and direc-*  
19           *tion of their respective sector director, except that field di-*  
20           *rectors outside of the United States shall be subject to the*  
21           *general supervision and direction of the Director of the Bu-*  
22           *reau of Immigration Enforcement. All field directors shall*  
23           *remain accountable to, and receive their authority from, the*  
24           *Director of the Bureau of Immigration Enforcement, in*  
25           *order to ensure consistent application and implementation*

1 of policies nationwide. There shall be a field office of the  
2 Bureau of Immigration Enforcement situated in at least  
3 every location where there is situated a field office of the  
4 Bureau of Citizenship and Immigration Services.

5 (i) *BORDER PATROL SECTORS.*—Headed by chief pa-  
6 trol agents, who may be assisted by deputy chief patrol  
7 agents, border patrol sectors of the Bureau of Immigration  
8 Enforcement shall be responsible for the enforcement of the  
9 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)  
10 and all other laws relating to immigration and naturaliza-  
11 tion within their assigned geographic areas of activity, un-  
12 less any such power and authority is required to be exer-  
13 cised by higher authority or has been exclusively delegated  
14 to another immigration official or class of immigration offi-  
15 cer. Chief patrol agents are subject to the general super-  
16 vision and direction of their respective sector director, ex-  
17 cept that they shall remain accountable to, and receive their  
18 authority from, the Director of the Bureau of Immigration  
19 Enforcement, in order to ensure consistent application and  
20 implementation of policies nationwide.

21 (j) *TRANSFER AND REMOVAL.*—Notwithstanding any  
22 other provision of law, the Director of the Bureau of Immi-  
23 gration Enforcement may, in the Director's discretion,  
24 transfer or remove any sector director, field director, or  
25 chief patrol officer.

1       (k) *REFERENCES.*—With respect to any function  
2 transferred by this section or Act to, and exercised on or  
3 after the effective date specified in section 15(a) by, the Di-  
4 rector of the Bureau of Immigration Enforcement, any ref-  
5 erence in any other Federal law, Executive order, rule, regu-  
6 lation, or delegation of authority, or any document of or  
7 pertaining to a component of government from which such  
8 function is transferred—

9           (1) to the head of such component is deemed to  
10 refer to the Director of the Bureau of Immigration  
11 Enforcement; or

12           (2) to such component is deemed to refer to the  
13 Bureau of Immigration Enforcement.

14 **SEC. 7. OFFICE OF IMMIGRATION STATISTICS WITHIN BU-**  
15 **REAU OF JUSTICE STATISTICS.**

16       (a) *IN GENERAL.*—Part C of title I of the Omnibus  
17 Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3731  
18 et seq.) is amended by adding at the end the following:

19           “OFFICE OF IMMIGRATION STATISTICS

20           “SEC. 305. (a) There is established within the Bureau  
21 of Justice Statistics of the Department of Justice an Office  
22 of Immigration Statistics (in this section referred to as the  
23 ‘Office’), which shall be headed by a Director who shall be  
24 appointed by the Attorney General and who shall report  
25 to the Director of Justice Statistics.

1       “(b) *The Director of the Office shall be responsible for*  
2 *the following:*

3               “(1) *Maintenance of all immigration statistical*  
4 *information of the Office of the Associate Attorney*  
5 *General for Immigration Affairs, the Bureau of Citi-*  
6 *zenship and Immigration Services, the Bureau of Im-*  
7 *migration Enforcement, and the Executive Office for*  
8 *Immigration Review. Such statistical information*  
9 *shall include information and statistics of the type*  
10 *contained in the publication entitled ‘Statistical*  
11 *Yearbook of the Immigration and Naturalization*  
12 *Service’ prepared by the Immigration and Natu-*  
13 *ralization Service (as in effect on the day prior to the*  
14 *effective date specified in section 15(a) of the Barbara*  
15 *Jordan Immigration Reform and Accountability Act*  
16 *of 2002).*

17               “(2) *Establishment of standards of reliability*  
18 *and validity for immigration statistics collected by*  
19 *the Office of the Associate Attorney General for Immi-*  
20 *gration Affairs, the Bureau of Citizenship and Immi-*  
21 *gration Services, the Bureau of Immigration Enforce-*  
22 *ment, and the Executive Office for Immigration Re-*  
23 *view.*

24       “(c) *The Office of the Associate Attorney General for*  
25 *Immigration Affairs, the Bureau of Citizenship and Immi-*

1 *gration Services, the Bureau of Immigration Enforcement,*  
2 *and the Executive Office for Immigration Review shall pro-*  
3 *vide statistical information to the Office of Immigration*  
4 *Statistics from the operational data systems controlled by*  
5 *the Office of the Associate Attorney General for Immigra-*  
6 *tion Affairs, the Bureau of Citizenship and Immigration*  
7 *Services, the Bureau of Immigration Enforcement, and the*  
8 *Executive Office for Immigration Review, respectively, for*  
9 *the purpose of meeting the responsibilities of the Director.”.*

10       **(b) TRANSFER OF FUNCTIONS.**—*There are transferred*  
11 *to the Office of Immigration Statistics established under*  
12 *section 305 of the Omnibus Crime Control and Safe Streets*  
13 *Act of 1968, as added by subsection (a), the functions per-*  
14 *formed by the Statistics Branch of the Office of Policy and*  
15 *Planning of the Immigration and Naturalization Service*  
16 *on the day before the effective date specified in section 15(a).*

17       **(c) CONFORMING AMENDMENTS.**—*Section 302(c) of the*  
18 *Omnibus Crime Control and Safe Streets Act of 1968 (42*  
19 *U.S.C. 3732(c)) is amended—*

20               **(1)** *by striking “and” at the end of paragraph*  
21 *(22);*

22               **(2)** *by striking the period at the end of para-*  
23 *graph (23) and inserting “; and”; and*

24               **(3)** *by adding at the end the following:*

1           “(24) collect, maintain, compile, analyze, pub-  
2           lish, and disseminate information and statistics about  
3           immigration in the United States, including informa-  
4           tion and statistics involving the functions of the Of-  
5           fice of the Associate Attorney General for Immigra-  
6           tion Affairs, the Bureau of Citizenship and Immigra-  
7           tion Services, the Bureau of Immigration Enforce-  
8           ment, and the Executive Office for Immigration Re-  
9           view.”.

10 **SEC. 8. EXERCISE OF AUTHORITIES.**

11           (a) *IN GENERAL.*—Except as otherwise provided by  
12 law, a Federal official to whom a function is transferred  
13 by this Act may, for purposes of performing the function,  
14 exercise all authorities under any other provision of law  
15 that were available with respect to the performance of that  
16 function to the official responsible for the performance of  
17 the function immediately before the effective date specified  
18 in section 15(a).

19           (b) *PRESERVATION OF ATTORNEY GENERAL’S AU-*  
20 *THORITY.*—

21           (1) *IN GENERAL.*—Any function for which this  
22 Act vests responsibility in an official other than the  
23 Attorney General, or which is transferred by this Act  
24 to such an official, may, notwithstanding any provi-  
25 sion of this Act, be performed by the Attorney Gen-

1        *eral, or the Attorney General's delegate, in lieu of*  
2        *such official.*

3            (2) *REFERENCES.*—*In a case in which the Attor-*  
4        *ney General performs a function described in para-*  
5        *graph (1), any reference in any other Federal law,*  
6        *Executive order, rule, regulation, document, or delega-*  
7        *tion of authority to the official otherwise responsible*  
8        *for the function is deemed to refer to the Attorney*  
9        *General.*

10          (c) *STATUTORY CONSTRUCTION.*—*Nothing in this Act*  
11        *may be construed to preclude or limit in any way the pow-*  
12        *ers, authorities, or duties of the Secretary of State and spe-*  
13        *cial agents of the Department of State and the Foreign*  
14        *Service under the State Department Basic Authorities Act*  
15        *of 1956 (22 U.S.C. 2651 note), the Immigration and Na-*  
16        *tionality Act (8 U.S.C. 1101 et seq.), or any other Act, to*  
17        *investigate illegal passport or visa issuance or use.*

18        **SEC. 9. SAVINGS PROVISIONS.**

19          (a) *LEGAL DOCUMENTS.*—*All orders, determinations,*  
20        *rules, regulations, permits, grants, loans, contracts, agree-*  
21        *ments, recognition of labor organizations, certificates, li-*  
22        *censes, and privileges—*

23            (1) *that have been issued, made, granted, or al-*  
24        *lowed to become effective by the President, the Attor-*  
25        *ney General, the Commissioner of the Immigration*

1        *and Naturalization Service, their delegates, or any*  
2        *other Government official, or by a court of competent*  
3        *jurisdiction, in the performance of any function that*  
4        *is transferred by this Act; and*

5                *(2) that are in effect on the effective date of such*  
6        *transfer (or become effective after such date pursuant*  
7        *to their terms as in effect on such effective date),*  
8        *shall continue in effect according to their terms until modi-*  
9        *fied, terminated, superseded, set aside, or revoked in accord-*  
10       *ance with law by the President, any other authorized offi-*  
11       *cial, a court of competent jurisdiction, or operation of law.*

12        *(b) PROCEEDINGS.—Sections 4 and 6 and this section*  
13       *shall not affect any proceedings or any application for any*  
14       *benefit, service, license, permit, certificate, or financial as-*  
15       *sistance pending on the effective date specified in section*  
16       *15(a) before an office whose functions are transferred by*  
17       *this Act, but such proceedings and applications shall be con-*  
18       *tinued. Orders shall be issued in such proceedings, appeals*  
19       *shall be taken therefrom, and payments shall be made pur-*  
20       *suant to such orders, as if this Act had not been enacted,*  
21       *and orders issued in any such proceeding shall continue in*  
22       *effect until modified, terminated, superseded, or revoked by*  
23       *a duly authorized official, by a court of competent jurisdic-*  
24       *tion, or by operation of law. Nothing in this section shall*  
25       *be considered to prohibit the discontinuance or modification*

1 of any such proceeding under the same terms and condi-  
2 tions and to the same extent that such proceeding could have  
3 been discontinued or modified if this section had not been  
4 enacted.

5 (c) *SUITS*.—*This Act shall not affect suits commenced*  
6 *before the effective date specified in section 15(a), and in*  
7 *all such suits, proceedings shall be had, appeals taken, and*  
8 *judgments rendered in the same manner and with the same*  
9 *effect as if this Act had not been enacted.*

10 (d) *NONABATEMENT OF ACTIONS*.—*No suit, action, or*  
11 *other proceeding commenced by or against the Department*  
12 *of Justice or the Immigration and Naturalization Service,*  
13 *or by or against any individual in the official capacity of*  
14 *such individual as an officer or employee in connection*  
15 *with a function transferred by this Act, shall abate by rea-*  
16 *son of the enactment of this Act.*

17 (e) *CONTINUANCE OF SUITS*.—*If any Government offi-*  
18 *cer in the official capacity of such officer is party to a suit*  
19 *with respect to a function of the officer, and under this Act*  
20 *(or an amendment made by this Act) such function is trans-*  
21 *ferred to any other officer or office, then such suit shall be*  
22 *continued with the other officer or the head of such other*  
23 *office, as applicable, substituted or added as a party.*

24 (f) *ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-*  
25 *VIEW*.—*Except as otherwise provided by this Act, any statu-*

1 tory requirements relating to notice, hearings, action upon  
2 the record, or administrative or judicial review that apply  
3 to any function transferred by this Act shall apply to the  
4 exercise of such function by the head of the office, and other  
5 officers of the office, to which such function is transferred  
6 by this Act.

7 **SEC. 10. TRANSFER AND ALLOCATION OF APPROPRIATIONS**  
8 **AND PERSONNEL.**

9 (a) *IN GENERAL.*—The personnel of the Department  
10 of Justice employed in connection with the functions trans-  
11 ferred by this Act (and functions that the Attorney General  
12 determines are properly related to the functions of the Bu-  
13 reau of Citizenship and Immigration Services or the Bu-  
14 reau of Immigration Enforcement and would, if trans-  
15 ferred, further the purposes of the bureau to which the func-  
16 tion is transferred), and the assets, liabilities, contracts,  
17 property, records, and unexpended balance of appropria-  
18 tions, authorizations, allocations, and other funds em-  
19 ployed, held, used, arising from, available to, or to be made  
20 available to, the Immigration and Naturalization Service  
21 or the Office of Immigration Litigation of the Civil Divi-  
22 sion in connection with the functions transferred by this  
23 Act, subject to section 202 of the Budget and Accounting  
24 Procedures Act of 1950, shall be transferred to the Associate  
25 Attorney General for Immigration Affairs for allocation to

1 *the appropriate component or bureau. Unexpended funds*  
2 *transferred pursuant to this subsection shall be used only*  
3 *for the purposes for which the funds were originally author-*  
4 *ized and appropriated. The Attorney General shall have the*  
5 *right to adjust or realign transfers of funds and personnel*  
6 *effected pursuant to this Act for a period of 2 years after*  
7 *the effective date specified in section 15(a).*

8       **(b) DELEGATION AND ASSIGNMENT.**—*Except as other-*  
9 *wise expressly prohibited by law or otherwise provided in*  
10 *this Act, of the Associate Attorney General for Immigration*  
11 *Affairs, the Director of the Bureau of Citizenship and Im-*  
12 *migration Services, and the Director of the Bureau of Im-*  
13 *migration Enforcement, the person to whom functions are*  
14 *transferred under this Act may delegate any of the functions*  
15 *so transferred to such officers and employees of the Office*  
16 *of the Associate Attorney General for Immigration Affairs,*  
17 *the Bureau of Citizenship and Immigration Services, or the*  
18 *Bureau of Immigration Enforcement, respectively, as the*  
19 *person may designate, and may authorize successive redele-*  
20 *gations of such functions as may be necessary or appro-*  
21 *priate. No delegation of functions under this subsection or*  
22 *under any other provision of this Act shall relieve the offi-*  
23 *cial to whom a function is transferred under this Act of*  
24 *responsibility for the administration of the function.*

1           (c) *AUTHORITIES OF ATTORNEY GENERAL.*—*The At-*  
2 *torney General (or a delegate of the Attorney General), at*  
3 *such time or times as the Attorney General (or the delegate)*  
4 *shall provide, may make such determinations as may be*  
5 *necessary with regard to the functions transferred by this*  
6 *Act, and may make such additional incidental dispositions*  
7 *of personnel, assets, liabilities, grants, contracts, property,*  
8 *records, and unexpended balances of appropriations, au-*  
9 *thorizations, allocations, and other funds held, used, arising*  
10 *from, available to, or to be made available in connection*  
11 *with such functions, as may be necessary to carry out the*  
12 *provisions of this Act. The Attorney General shall provide*  
13 *for such further measures and dispositions as may be nec-*  
14 *essary to effectuate the purposes of this Act.*

15           (d) *DATABASES.*—*The Associate Attorney General for*  
16 *Immigration Affairs shall ensure that the databases of the*  
17 *Office of the Associate Attorney General for Immigration*  
18 *Affairs and those of the Bureau of Citizenship and Immi-*  
19 *gration Services and the Bureau of Immigration Enforce-*  
20 *ment are integrated with the databases of the Executive Of-*  
21 *fice for Immigration Review in such a way as to permit—*

22                   (1) *the electronic docketing of each case by date*  
23 *of service upon the alien of the notice to appear in*  
24 *the case of a removal proceeding (or an order to show*  
25 *cause in the case of a deportation proceeding, or a no-*

1       *tice to alien in the case of an exclusion proceeding);*  
2       *and*

3               (2) *the tracking of the status of any alien*  
4       *throughout the alien's contact with United States im-*  
5       *migration authorities, without regard to whether the*  
6       *entity with jurisdiction over the alien is the Bureau*  
7       *of Citizenship and Immigration Services, the Bureau*  
8       *of Immigration Enforcement, or the Executive Office*  
9       *for Immigration Review.*

10 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS; PROHIBI-**  
11                       **TION ON TRANSFER OF FEES; LEASING OR**  
12                       **ACQUISITION OF PROPERTY; SENSE OF CON-**  
13                       **GRESS.**

14       (a) *AUTHORIZATION OF APPROPRIATIONS FOR TRAN-*  
15 *SITION.—*

16               (1) *IN GENERAL.—There are authorized to be ap-*  
17       *propriated such sums as may be necessary to effect*  
18       *the abolition of the Immigration and Naturalization*  
19       *Service, the establishment of the Office of the Associate*  
20       *Attorney General for Immigration Affairs, the Bureau*  
21       *of Citizenship and Immigration Services, and the Bu-*  
22       *reau of Immigration Enforcement and their compo-*  
23       *nents, and the transfers of functions required to be*  
24       *made under this Act (and the amendments made by*  
25       *this Act), and to carry out any other duty related to*

1       *the reorganization of the immigration and natu-*  
2       *ralization functions that is made necessary by this*  
3       *Act (or any such amendment).*

4               (2) *AVAILABILITY OF FUNDS.—Amounts appro-*  
5       *priated under paragraph (1) shall remain available*  
6       *until expended.*

7               (3) *TRANSITION ACCOUNT.—*

8                       (A) *ESTABLISHMENT.—There is established*  
9       *in the general fund of the Treasury of the United*  
10       *States a separate account, which shall be known*  
11       *as the “Immigration Reorganization Transition*  
12       *Account” (in this paragraph referred to as the*  
13       *“Account”).*

14                      (B) *USE OF ACCOUNT.—There shall be de-*  
15       *posited into the Account all amounts appro-*  
16       *priated under paragraph (1).*

17                      (C) *ADVANCED AVAILABILITY OF FUNDS.—*  
18       *To the extent provided in appropriations Acts,*  
19       *funds in the Account shall be available for ex-*  
20       *penditure before the effective date specified in*  
21       *section 15(a).*

22               (b) *SEPARATION OF FUNDING.—*

23                      (1) *IN GENERAL.—There shall be established sep-*  
24       *arate accounts in the Treasury of the United States*  
25       *for appropriated funds and other deposits available*

1       *for the Bureau of Citizenship and Immigration Serv-*  
2       *ices and the Bureau of Immigration Enforcement.*

3           (2) *SEPARATE BUDGETS.—To ensure that the*  
4       *Bureau of Citizenship and Immigration Services and*  
5       *the Bureau of Immigration Enforcement are funded*  
6       *to the extent necessary to fully carry out their respec-*  
7       *tive functions, the Director of the Office of Manage-*  
8       *ment and Budget shall separate the budget requests*  
9       *for each such entity.*

10          (3) *FEEES.—Fees imposed for a particular serv-*  
11       *ice, application, or benefit shall be deposited into the*  
12       *account established under paragraph (1) that is for*  
13       *the bureau with jurisdiction over the function to*  
14       *which the fee relates.*

15          (4) *FEEES NOT TRANSFERABLE.—No fee may be*  
16       *transferred between the Bureau of Citizenship and*  
17       *Immigration Services and the Bureau of Immigration*  
18       *Enforcement for purposes not authorized by section*  
19       *286 of the Immigration and Nationality Act (8*  
20       *U.S.C. 1356).*

21          (5) *ESTABLISHMENT OF FEES FOR ADJUDICA-*  
22       *TION AND NATURALIZATION SERVICES.—Section*  
23       *286(m) of the Immigration and Nationality Act (8*  
24       *U.S.C. 1356(m)) is amended by striking “services, in-*  
25       *cluding the costs of similar services provided without*

1       *charge to asylum applicants or other immigrants.”*  
2       *and inserting “services.”*

3               (6) *AUTHORIZATION OF APPROPRIATIONS FOR*  
4       *REFUGEE AND ASYLUM ADJUDICATIONS.—There are*  
5       *authorized to be appropriated such sums as may be*  
6       *necessary to carry out the provisions of sections 207*  
7       *through 209 of the Immigration and Nationality Act*  
8       *(8 U.S.C. 1157–1159). All funds appropriated under*  
9       *this paragraph shall be deposited into the Immigra-*  
10       *tion Examinations Fee Account established under sec-*  
11       *tion 286(m) of the Immigration and Nationality Act*  
12       *(8 U.S.C. 1356(m)) and shall remain available until*  
13       *expended.*

14              (c) *LEASING OR ACQUISITION OF PROPERTY.—Not-*  
15       *withstanding the Federal Property and Administrative*  
16       *Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney*  
17       *General is authorized to expend, from the appropriation*  
18       *provided for the administration and enforcement of the Im-*  
19       *migration and Nationality Act (8 U.S.C. 1101 et seq.), such*  
20       *amounts as may be necessary for the leasing or acquisition*  
21       *of property in the fulfillment of establishing the Office of*  
22       *the Associate Attorney General for Immigration Affairs, the*  
23       *Bureau of Citizenship and Immigration Services, and the*  
24       *Bureau of Immigration Enforcement under this Act.*

1       (d) *SENSE OF CONGRESS.*—*It is the sense of the Con-*  
2 *gress that—*

3           (1) *the missions of the Office of the Associate At-*  
4 *torney General for Immigration Affairs, the Bureau*  
5 *of Citizenship and Immigration Services, and the Bu-*  
6 *reau of Immigration Enforcement are equally impor-*  
7 *tant and, accordingly, they each should be adequately*  
8 *funded; and*

9           (2) *the functions of the Associate Attorney Gen-*  
10 *eral for Immigration Affairs described in section 3,*  
11 *the immigration adjudication and service functions*  
12 *referred to in section 4, and the immigration enforce-*  
13 *ment functions referred to in section 6 should not op-*  
14 *erate at levels below that in existence prior to the en-*  
15 *actment of this Act.*

16       (e) *ELIMINATION OF LIMITATION ON EXPENDITURES*  
17 *FOR BACKLOG REDUCTION.*—*Section 204(b) of the Immi-*  
18 *gration Services and Infrastructure Improvements Act of*  
19 *2000 (8 U.S.C. 1573(b)) is amended by striking paragraph*  
20 *(4).*

21 **SEC. 12. REPORTS AND IMPLEMENTATION PLANS.**

22       (a) *DIVISION OF FUNDS.*—*The Attorney General, not*  
23 *later than 120 days after the date of the enactment of this*  
24 *Act, shall submit to the Committees on Appropriations and*  
25 *the Judiciary of the United States House of Representatives*

1 *and of the Senate a report on the proposed division and*  
2 *transfer of funds, including unexpended funds, appropria-*  
3 *tions, and fees, among the Office of the Associate Attorney*  
4 *General for Immigration Affairs, the Bureau of Citizenship*  
5 *and Immigration Services, and the Bureau of Immigration*  
6 *Enforcement.*

7       **(b) DIVISION OF PERSONNEL.**—*The Attorney General,*  
8 *not later than 120 days after the date of the enactment of*  
9 *this Act, shall submit to the Committees on Appropriations*  
10 *and the Judiciary of the United States House of Represent-*  
11 *atives and of the Senate a report on the proposed division*  
12 *of personnel among the Office of the Associate Attorney Gen-*  
13 *eral for Immigration Affairs, the Bureau of Citizenship and*  
14 *Immigration Services, and the Bureau of Immigration En-*  
15 *forcement.*

16       **(c) IMPLEMENTATION PLAN.**—

17           **(1) IN GENERAL.**—*The Attorney General, not*  
18 *later than 120 days after the date of the enactment*  
19 *of this Act, and every 6 months thereafter until the*  
20 *termination of fiscal year 2005, shall submit to the*  
21 *Committees on Appropriations and the Judiciary of*  
22 *the United States House of Representatives and of the*  
23 *Senate an implementation plan to carry out this Act.*

24           **(2) CONTENTS.**—*The implementation plan*  
25 *should include details concerning the separation of the*

1        *Office of the Associate Attorney General for Immigra-*  
2        *tion Affairs, the Bureau of Citizenship and Immigra-*  
3        *tion Services, and the Bureau of Immigration En-*  
4        *forcement, including the following:*

5                *(A) Organizational structure, including the*  
6                *field structure.*

7                *(B) Chain of command.*

8                *(C) Procedures for interaction among such*  
9                *office and bureaus.*

10               *(D) Procedures for the Director of Shared*  
11               *Services to perform all shared support functions,*  
12               *including authorizing the Director of the Bureau*  
13               *of Citizenship and Immigration Services and the*  
14               *Director of the Bureau of Immigration Enforce-*  
15               *ment to approve training curricula and to ac-*  
16               *quire such supplies and equipment as may be*  
17               *necessary to perform the daily operations of that*  
18               *director's bureau.*

19               *(E) Procedures to establish separate ac-*  
20               *counts and financial management systems for*  
21               *the Bureau of Citizenship and Immigration*  
22               *Services and the Bureau of Immigration En-*  
23               *forcement, and to implement all provisions of*  
24               *section 11(b).*

25               *(F) Fraud detection and investigation.*

1           (G) *The processing and handling of removal*  
2           *proceedings, including expedited removal and*  
3           *applications for relief from removal.*

4           (H) *Recommendations for conforming*  
5           *amendments to the Immigration and Nationality*  
6           *Act (8 U.S.C. 1101 et seq.).*

7           (I) *Establishment of a transition team.*

8           (J) *Ways to phase in the costs of separating*  
9           *the administrative support systems of the Immi-*  
10           *gration and Naturalization Service in order to*  
11           *provide for separate administrative support sys-*  
12           *tems for the Bureau of Citizenship and Immi-*  
13           *gration Services and the Bureau of Immigration*  
14           *Enforcement in instances where separate systems*  
15           *are more efficient or effective.*

16       (d) *REPORT ON IMPROVING IMMIGRATION SERV-*  
17       *ICES.—*

18           (1) *IN GENERAL.—The Attorney General, not*  
19           *later than 1 year after the date of the enactment of*  
20           *this Act, shall submit to the Committees on the Judi-*  
21           *ciary and Appropriations of the United States House*  
22           *of Representatives and of the Senate a report con-*  
23           *taining a plan for how the Director of the Bureau of*  
24           *Citizenship and Immigration Services will complete*  
25           *efficiently, fairly, and within a reasonable time, the*

1       *adjudications described in paragraphs (1) through (5)*  
2       *of section 4(b).*

3               (2) *CONTENTS.—For each type of adjudication*  
4       *to be undertaken by the Director of the Bureau of*  
5       *Citizenship and Immigration Services, the report*  
6       *shall include the following:*

7                       (A) *Any potential savings of resources that*  
8                       *may be implemented without affecting the qual-*  
9                       *ity of the adjudication.*

10                      (B) *The goal for processing time with re-*  
11                      *spect to the application.*

12                      (C) *Any statutory modifications with re-*  
13                      *spect to the adjudication that the Attorney Gen-*  
14                      *eral considers advisable.*

15               (3) *CONSULTATION.—In carrying out paragraph*  
16       *(1), the Attorney General shall consult with the Sec-*  
17       *retary of State, the Secretary of Labor, the Associate*  
18       *Attorney General for Immigration Affairs, the Direc-*  
19       *tor of the Bureau of Immigration Enforcement, and*  
20       *the Director of the Executive Office for Immigration*  
21       *Review to determine how to streamline and improve*  
22       *the process for applying for and making adjudica-*  
23       *tions described in section 4(b) and related processes.*

24       (e) *REPORT ON IMPROVING ENFORCEMENT FUNC-*  
25       *TION.—*

1           (1) *IN GENERAL.*—*The Attorney General, not*  
2 *later than 1 year after the date of the enactment of*  
3 *this Act, shall submit to the Committees on Appro-*  
4 *propriations and the Judiciary of the United States*  
5 *House of Representatives and of the Senate a report*  
6 *with a plan detailing how the Bureau of Immigration*  
7 *Enforcement, after the transfer of functions performed*  
8 *under the programs described in paragraphs (1)*  
9 *through (5) of section 6(b), will enforce comprehen-*  
10 *sively, effectively, and fairly all the enforcement pro-*  
11 *visions of the Immigration and Nationality Act (8*  
12 *U.S.C. 1101 et seq.) relating to such programs.*

13           (2) *CONSULTATION.*—*In carrying out paragraph*  
14 *(1), the Attorney General shall consult with the Sec-*  
15 *retary of State, the Director of the Federal Bureau of*  
16 *Investigation, the Secretary of the Treasury, the Sec-*  
17 *retary of Labor, the Commissioner of Social Security,*  
18 *the Associate Attorney General for Immigration Af-*  
19 *airs, the Director of the Bureau of Citizenship and*  
20 *Immigration Services, the Director of the Executive*  
21 *Office for Immigration Review, and the heads of State*  
22 *and local law enforcement agencies to determine how*  
23 *to most effectively conduct enforcement operations.*

24           (f) *REPORT ON SHARED SERVICES.*—*The Attorney*  
25 *General, not later than 3 years after the effective date speci-*

1 *fied in section 15(a), shall submit to the Committees on the*  
2 *Judiciary and Appropriations of the United States House*  
3 *of Representatives and of the Senate a report on whether*  
4 *the Director of Shared Services is properly serving the Bu-*  
5 *reau of Citizenship and Immigration Services and the Bu-*  
6 *reau of Immigration Enforcement. The report should ad-*  
7 *dress whether it would be more efficient to transfer one or*  
8 *more of the functions described in section 3 to the Director*  
9 *of the Bureau of Citizenship and Immigration Services or*  
10 *the Director of the Bureau of Immigration Enforcement,*  
11 *and shall include an estimate of the cost of any such trans-*  
12 *fer that the Attorney General recommends. The report*  
13 *should also address whether it would be more efficient to*  
14 *transfer one or more of the functions described in sections*  
15 *4 and 6 to the Office of the Associate Attorney General for*  
16 *Immigration Affairs, and shall include an estimate of the*  
17 *cost of any such transfer that the Attorney General rec-*  
18 *ommends.*

19 (g) *COMPTROLLER GENERAL STUDIES AND RE-*  
20 *PORTS.—*

21 (1) *STATUS REPORTS ON TRANSITION.—Not later*  
22 *than 18 months after the effective date specified in*  
23 *section 15(a), and every 6 months thereafter, until*  
24 *full implementation of this Act has been completed,*  
25 *the Comptroller General of the United States shall*

1        *submit to the Committees on Appropriations and on*  
2        *the Judiciary of the United States House of Rep-*  
3        *resentatives and the Senate a report containing the*  
4        *following:*

5                *(A) A determination of whether the trans-*  
6                *fers of functions made by sections 4 and 6 have*  
7                *been completed, and if a transfer of functions has*  
8                *not taken place, identifying the reasons why the*  
9                *transfer has not taken place.*

10               *(B) If the transfers of functions made by*  
11               *sections 4 and 6 have been completed, an identi-*  
12               *fication of any issues that have arisen due to the*  
13               *completed transfers.*

14               *(C) An identification of any issues that*  
15               *may arise due to any future transfer of func-*  
16               *tions.*

17               *(2) REPORT ON MANAGEMENT.—Not later than 4*  
18               *years after the effective date specified in section 15(a),*  
19               *the Comptroller General of the United States shall*  
20               *submit to the Committees on Appropriations and on*  
21               *the Judiciary of the United States House of Rep-*  
22               *resentatives and the Senate a report, following a*  
23               *study, containing the following:*

24               *(A) Determinations of whether the transfer*  
25               *of functions from the Immigration and Natu-*

1           *ralization Service to the Bureau of Citizenship*  
2           *and Immigration Services and the Bureau of*  
3           *Immigration Enforcement, and the transfer of*  
4           *functions from the Immigration and Naturaliza-*  
5           *tion Service and the Office of Immigration Liti-*  
6           *gation of the Civil Division to the Office of the*  
7           *Associate Attorney General for Immigration Af-*  
8           *airs, under this Act have improved, with respect*  
9           *to each function transferred, the following:*

10                   *(i) Operations.*

11                   *(ii) Management, including account-*  
12                   *ability and communication.*

13                   *(iii) Financial administration.*

14                   *(iv) Recordkeeping, including informa-*  
15                   *tion management and technology.*

16                   *(B) A statement of the reasons for the deter-*  
17                   *minations under subparagraph (A).*

18                   *(C) Any recommendations for further im-*  
19                   *provements to the Office of the Associate Attor-*  
20                   *ney General for Immigration Affairs, the Bureau*  
21                   *of Citizenship and Immigration Services, and*  
22                   *the Bureau of Immigration Enforcement.*

23           *(h) REPORT ON INTERIOR CHECKPOINTS.—Not later*  
24           *than 6 months after the date of the enactment of this Act,*  
25           *the Attorney General shall submit to the Congress a report*

1 *on whether all permanent interior checkpoints operated by*  
2 *the Immigration and Naturalization Service ought to be*  
3 *closed, and the funds that otherwise would be expended for*  
4 *the operation of such checkpoints ought to be reallocated for*  
5 *protecting and maintaining the integrity of the borders of*  
6 *the United States and increasing enforcement at other*  
7 *points of entry into the United States.*

8       *(i) REPORT ON RESPONDING TO FLUCTUATING*  
9 *NEEDS.—Not later than 30 days after the date of the enact-*  
10 *ment of this Act, the Attorney General shall submit to the*  
11 *Congress a report on changes in law, including changes in*  
12 *authorizations of appropriations and in appropriations,*  
13 *that are needed to permit the Immigration and Naturaliza-*  
14 *tion Service, and, after the effective date specified in section*  
15 *15(a), the Bureau of Citizenship and Immigration Services,*  
16 *to ensure a prompt and timely response to emergent, unfore-*  
17 *seen, or impending changes in the number of applications*  
18 *for immigration benefits, and otherwise to ensure the ac-*  
19 *commodation of changing immigration service needs.*

20 **SEC. 13. APPLICATION OF INTERNET-BASED TECH-**  
21 **NOLOGIES.**

22       *(a) ESTABLISHMENT OF TRACKING SYSTEM.—The At-*  
23 *torney General, not later than 1 year after the date of the*  
24 *enactment of this Act, in consultation with the Technology*  
25 *Advisory Committee established under subsection (c), shall*

1 *establish an Internet-based system, that will permit a per-*  
2 *son, employer, immigrant, or nonimmigrant who has fil-*  
3 *ings with the Attorney General for any benefit under the*  
4 *Immigration and Nationality Act (8 U.S.C. 1101 et seq.),*  
5 *access to online information about the processing status of*  
6 *the filing involved.*

7 (b) *FEASIBILITY STUDY FOR ONLINE FILING AND IM-*  
8 *PROVED PROCESSING.—*

9 (1) *ONLINE FILING.—The Attorney General, in*  
10 *consultation with the Technology Advisory Committee*  
11 *established under subsection (c), shall conduct a feasi-*  
12 *bility study on the online filing of the filings de-*  
13 *scribed in subsection (a). The study shall include a*  
14 *review of computerization and technology of the Im-*  
15 *migration and Naturalization Service relating to the*  
16 *immigration services and processing of filings related*  
17 *to immigrant services. The study shall also include an*  
18 *estimate of the timeframe and cost and shall consider*  
19 *other factors in implementing such a filing system,*  
20 *including the feasibility of fee payment online.*

21 (2) *REPORT.—A report on the study under this*  
22 *subsection shall be submitted to the Committees on the*  
23 *Judiciary of the United States House of Representa-*  
24 *tives and the Senate not later than 1 year after the*  
25 *date of the enactment of this Act.*

1       (c) *TECHNOLOGY ADVISORY COMMITTEE.*—

2           (1) *ESTABLISHMENT.*—*The Attorney General*  
3 *shall establish, not later than 60 days after the date*  
4 *of the enactment of this Act, an advisory committee*  
5 *(in this section referred to as the “Technology Advi-*  
6 *sory Committee”)* *to assist the Attorney General in—*

7                   (A) *establishing the tracking system under*  
8 *subsection (a); and*

9                   (B) *conducting the study under subsection*  
10 *(b).*

11 *The Technology Advisory Committee shall be estab-*  
12 *lished after consultation with the Committees on the*  
13 *Judiciary of the United States House of Representa-*  
14 *tives and the Senate.*

15           (2) *COMPOSITION.*—*The Technology Advisory*  
16 *Committee shall be composed of representatives from*  
17 *high technology companies capable of establishing and*  
18 *implementing the system in an expeditious manner,*  
19 *and representatives of persons who may use the track-*  
20 *ing system described in subsection (a) and the online*  
21 *filing system described in subsection (b)(1).*

22 **SEC. 14. DEFINITIONS.**

23 *For purposes of this Act:*

1           (1) *The term “function” includes any duty, obli-*  
2           *gation, power, authority, responsibility, right, privi-*  
3           *lege, activity, or program.*

4           (2) *The term “office” includes any office, admin-*  
5           *istration, agency, bureau, institute, council, unit, or-*  
6           *ganizational entity, or component thereof.*

7 **SEC. 15. EFFECTIVE DATE; TRANSITION.**

8           (a) *IN GENERAL.—The abolishment of the Immigra-*  
9           *tion and Naturalization Service, the establishment of the*  
10           *Office of the Associate Attorney General for Immigration*  
11           *Affairs, the Bureau of Citizenship and Immigration Serv-*  
12           *ices, and the Bureau of Immigration Enforcement, the*  
13           *transfers of functions specified under this Act, and the*  
14           *amendments made by this Act, shall take effect 1 year after*  
15           *the date of the enactment of this Act. The Associate Attorney*  
16           *General for Immigration Affairs, the Director of the Bureau*  
17           *of Citizenship and Immigration Services, and the Director*  
18           *of the Bureau of Immigration Enforcement shall be ap-*  
19           *pointed not later than such effective date. To the extent that*  
20           *functions to be transferred to such persons under this Act*  
21           *continue to be performed by the Immigration and Natu-*  
22           *ralization Service and the Office of Immigration Litigation*  
23           *of the Civil Division during fiscal year 2003, the Attorney*  
24           *General shall provide for an appropriate accounting of*  
25           *funds and an appropriate transfer of funds appropriated*

1 *to such entities to the appropriate component of the Office*  
2 *of the Associate Attorney General for Immigration Affairs,*  
3 *the Bureau of Citizenship and Immigration Services, or the*  
4 *Bureau of Immigration Enforcement.*

5       **(b) TRANSITION PERIOD FOR CERTAIN BUREAU FUNC-**  
6 *TIONS.—Notwithstanding subsection (a), during the 18-*  
7 *month period after the transfer of functions under this Act*  
8 *takes effect, the Associate Attorney General for Immigration*  
9 *Affairs is authorized to perform the functions described in*  
10 *subsections (c), (d), and (f) of each of sections 4 and 6 for*  
11 *both the Bureau of Citizenship and Immigration Services*  
12 *and the Bureau of Immigration Enforcement.*

13 **SEC. 16. CONFORMING AMENDMENT.**

14       *Section 5315 of title 5, United States Code, is amended*  
15 *by striking the following:*

16               *“Commissioner of Immigration and Naturaliza-*  
17 *tion, Department of Justice.”.*

Amend the title so as to read: “A bill to replace the Immigration and Naturalization Service with the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement, and for other purposes.”.



**Union Calendar No. 246**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3231**

**[Report No. 107-413]**

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**A BILL**

To replace the Immigration and Naturalization Service with the Agency for Immigration Affairs, and for other purposes.

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APRIL 19, 2002

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed